

Honolulu, Hawaii

APR 29 2022

RE: S.B. No. 2021
S.D. 1
H.D. 2
C.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2021, S.D. 1, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO INCREASING THE PAYMENT AMOUNT FOR THE OFFICE OF HAWAIIAN AFFAIRS' PRO RATA SHARE OF THE PUBLIC LAND TRUST,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Establish the Office of Hawaiian Affairs' pro rata share of the moneys derived from the public land trust;
- (2) Establish a working group to determine pro rata share of income and proceeds from the public land trust and back amounts due; and



- (3) Appropriate funds from the carry-forward trust holding account to the Office of Hawaiian Affairs.

Your Committee on Conference finds that it is incumbent upon the Legislature to uphold its trust responsibilities and duty of care to native Hawaiians pursuant to the Hawaii State Constitution, which requires that twenty percent of the income and proceeds from the Public Land Trust go to the Office of Hawaiian Affairs to benefit the Native Hawaiian community. This measure will ensure that the State fulfills its constitutional obligations by establishing and providing for the Office of Hawaiian Affairs' annual share of the income and proceeds of the public land trust.

Your Committee on Conference further finds that the past-due sum owed to the Office of Hawaiian Affairs for any and all underpayments of the pro-rata portion of the income and proceeds of the Public Land Trust for the period from July 1, 2012, to June 30, 2022, is \$64,000,000, and that this sum is intended to represent the cumulative impact of an inflation adjustment for that period.

Your Committee on Conference has amended this measure by:

- (1) Deleting language amending section 10-13.5, Hawaii Revised Statutes, to require a minimum amount of \$21,500,000 to be transferred annually from the Public Land Trust to the Office of Hawaiian Affairs and replacing it with language amending Act 178, Session Laws of Hawaii 2006, to the same substantive effect;
- (2) Removing the requirement that the working group determine the past-due sum owed to the Office of Hawaiian Affairs;
- (3) Requiring any department or agency that uses, manages, or receives income, proceeds, or any other fund derived from the Public Land Trust to cooperate with the working group in submitting a report to the Legislature;
- (4) Requiring the Office of Hawaiian Affairs, instead of the Department of Budget and Finance, to provide administrative support to the working group;
- (5) Making a general fund appropriation of \$64,000,000 to be deposited into the Native Hawaiian Trust Fund and expended by the Office of Hawaiian Affairs instead of appropriating \$31,000,000 from the Carry-Forward Trust Holding Account to the Office of Hawaiian Affairs;



- (6) Amending section 1 to reflect its amended purpose; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2021, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2021, S.D. 1, H.D. 2, C.D. 1.

Respectfully submitted on behalf of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



MARK M. NAKASHIMA
Co-Chair



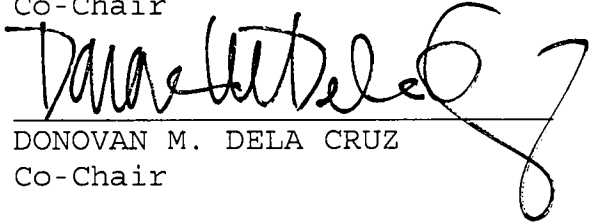
MAILE S.L. SHIMABUKURO
Chair



SYLVIA LUKE
Co-Chair



JARRETT KEOHOKALOOLE
Co-Chair



DONOVAN M. DELA CRUZ
Co-Chair



**Record of Votes of a
Conference Committee**

Bill / Concurrent Resolution No.: SB 2021, SD 1, HD 2	Date/Time: <i>4/29/22 1:38 pm</i>
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure

The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.

Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
SHIMABUKURO, Maile S.L., Chr.	/				NAKASHIMA, Mark M., Co-Chr.	/			
KEOHOKALOLE, Jarrett, Co-Chr.	/				LUKE, Sylvia, Co-Chr.	/			
DELA CRUZ, Donovan M., Co-Chr.	/				ELI, Stacelynn K.M.	/			
FEVELLA, Kurt				/	HOLT, Daniel	/			
KIDANI, Michelle N.	/				WARD, Gene	/			
TOTAL	4			1	TOTAL	5			

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature:
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